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PATENT  
Attorney Docket No.: 022128-000300US

TOWNSEND and TOWNSEND and CREW LLP

By: 

Tiffany Wu

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

MARK DEEM et al.

Application No.: 10/665,974

Filed: September 18, 2003

For: METHODS AND APPARATUS  
FOR TREATMENT OF PATENT  
FORAMEN OVALE

Confirmation No.: 5366

Examiner: Michael F. Peffley

Art Unit: 3739

SUPPLEMENTAL INFORMATION  
DISCLOSURE STATEMENT UNDER  
37 CFR §1.97 and §1.98

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed.

It is respectfully requested that the cited references be expressly considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR §1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

This IDS is being filed before the mailing date of the final Office Action or  
Notice of Allowance.

Please charge the IDS fee of \$180 to Deposit Account No. 20-1430. Please  
deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,

  
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Substitute for form 1449A/PTO		<b>Complete if Known</b>	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>		Application Number	10/565,974
		Filing Date	September 18, 2003
		First Named Inventor	DEEM, MARK E.
		Art Unit	3739
		Examiner Name	Michael F. Peffley
(Use as many sheets as necessary)		Attorney Docket Number	022128-000300US
Sheet	1	of	2

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. <sup>1</sup>	Document Number Number/Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>3</sup>
		Country Code <sup>4</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
	1	WO	99/23959		05-20-1999	VALLEYLAB INC		<input type="checkbox"/>
	2	WO	01/013810		03-01-2001	MIRACLE MEDICAL SURGICAL TECHN		<input type="checkbox"/>
	3	WO	2005/046487		05-26-2005	NMT MEDICAL INC		<input type="checkbox"/>
	4	WO	2005/074814		08-18-2005	NMT MEDICAL INC		<input type="checkbox"/>
	5	WO	2005/115256		12-06-2005	OVALIS INC		<input type="checkbox"/>

Examiner Signature		Date Considered	
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Kind Codes of U.S. Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

60749759 v1

Substitute for form 1449B/PTO				<b>Complete if Known</b> <b>Application Number</b> 10/865,974 <b>Filing Date</b> September 18, 2003 <b>First Named Inventor</b> DEEM, MARK E <b>Art Unit</b> 3739 <b>Examiner Name</b> Michael F. Peffley <b>Attorney Docket Number</b> 022128-000300US	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (Use as many sheets as necessary)					
Sheet	2	of	2		

NON PATENT LITERATURE DOCUMENTS					
Examiner Initials *	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>		
	6	ATHIRAMAN et al., "Selective Photothermal Tissue Interaction Using 805-nm Laser and Indocyanine Green in Tissue Welding," <i>Journal of X-Ray Science and Technology</i> , Vol. 12, No. 2, (2004), pp. 117-126.	<input type="checkbox"/>		
	7	FENNER et al., "Shear Strength of Tissue Bonds as a Function of Bonding Temperature: A Proposed Mechanism for Laser-Assisted Tissue Welding," <i>Lasers in Medical Science</i> , Vol. 7, (1992), pp.39-43.	<input type="checkbox"/>		
	8	GODLEWSKI et al., "Applications and Mechanisms of Laser Tissue Welding In 1995: Review," <i>Proc. SPIE</i> , Vol. 2623, (Jan 1996) pp. 334-341.	<input type="checkbox"/>		
	9	OLSON et al., "Developing An Animal Model for the Study of Fusion Using RF Energy," <i>Proc. SPIE</i> , Vol. 5312, (2004), pp. 147-161.	<input type="checkbox"/>		
	10	OTT et al., "Comparative In Vitro Study of Tissue Welding Using a 808 nm Diode Laser and a Ho:YAG laser," <i>Lasers Med Sci</i> , Vol. 16, (2001) pp. 260-266.	<input type="checkbox"/>		
	11	POPPAS et al., "Temperature-Controlled Laser Photocoagulation of Soft Tissue: in Vivo Evaluation Using a Tissue Welding Model," <i>Lasers Surg Med.</i> , Vol. 18, No. 4, (1996), pp.335-344.	<input type="checkbox"/>		
	12	STEWART et al., "Laser Assisted Vascular Welding with Real Time Temperature Control," <i>Lasers Surg Med.</i> , Vol. 19, No. 1, (1996), pp. 9-16.	<input type="checkbox"/>		
	13	TANG et al., "Quantitative Changes in Collagen Levels Following 830-nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 22, No. 4, (1998), pp. 207-211.	<input type="checkbox"/>		
	14	TANG et al., "Morphologic Changes in Collagen Fibers after 830 nm Diode Laser Welding," <i>Lasers Surg Med.</i> , Vol. 21, No. 5 (1997), pp. 438-43.	<input type="checkbox"/>		

Examiner Signature		Date Considered	
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<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.